1 2 3 4 5 6	QUINN EMANUEL URQUHART & SULLIVA Claude M. Stern (Bar No. 96737) claudestern@quinnemanuel.com Evette D. Pennypacker (Bar No. 203515) evettepennypacker@quinnemanuel.com Michael F. LaFond (Bar No. 303131) michaellafond@quinnemanuel.com 555 Twin Dolphin Dr., 5 <sup>th</sup> Fl. Redwood Shores, California 94065 Telephone: (650) 801-5000 Facsimile: (650) 801-5100	AN, LLP
7 8 9	Derek J. Tang (Bar No. 296230) derektang@quinnemanuel.com 50 California St., 22 <sup>nd</sup> Fl. San Francisco, California 94111 Telephone: (415) 875-6600 Facsimile: (415) 875-6700	
11	Attorneys for uCool, Inc.	
12	UNITED STATES DISTRICT COURT	
13	NORTHERN DISTRICT OF CALIFORNIA	
14	SAN FRANCISCO DIVISION	
15		
16	Blizzard Entertainment, Inc., and Valve	CASE NO. 3:15-cv-04084-CRB
17 18 19	Corporation, Plaintiffs, v.	AMENDED DECLARATION OF MICHAEL LAFOND FILED IN SUPPORT OF UCOOL, INC.'S REPLY IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT
20	Lilith Games (Shanghai) Co. Ltd., and uCool, Inc.,	Date: April 8, 2016
21	Defendants.	Time: 10:00 a.m. Courtroom: 6, 17 <sup>th</sup> Floor Judge: The Hon. Charles R. Breyer
22		
23		
24		
25		
26		
27		
28		

AMENDED LAFOND DECLARATION IN SUPPORT OF UCOOL, INC.'S MOTION TO DISMISS REPLY

Case No. 3:15-cv-04084-CRB

I, Michael F. LaFond, declare as follows:

- 1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Defendant uCool, Inc. I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.
- 2. I have personal knowledge of the following objects and documents that were either manually filed with the court or are attached as exhibits to this declaration.
- 3. **Exhibit A** was manually filed with the Court on March 15, 2016, and is a new, unopened copy of Blizzard Entertainment, Inc.'s product Starcraft II: Wings of Liberty, in its original packaging, which was purchased from Amazon.com on March 7.
- 4. **Exhibit B** was manually filed with the Court on March 15, 2016, and is a new, unopened copy of Blizzard Entertainment, Inc.'s product Diablo III, in its original packaging, which was purchased from Amazon.com on March 7.
- 5. **Exhibit** C was manually filed with the Court on March 15, 2016, and is a new, unopened copy of Walt Disney Picture's movie Pirates of the Caribbean: Curse of the Black Pearl, in DVD format, in its original packaging, which was purchased from Amazon.com on March 9.
- 6. **Exhibit D** was manually filed with the Court on March 15, 2016, and is a new, unopened copy of New Line Cinema's movie The Lord of the Rings: The Return of the King, in DVD format, in its original packaging, which was purchased from Amazon on March 9.
- 7. **Exhibit E** was manually filed with the Court on March 15, 2016, and is a new, unopened iPad Air 2, manufactured by Apple, Inc.
- 8. On Friday, February 5, 2016, I placed a phone call to Ms. Barbara ("Betty") Espinoza, Courtroom Deputy for the Honorable Charles R. Breyer. Ms. Espinoza answered the phone, and I explained that Defendant uCool, Inc. intended to file a copy of an iPad App with the Court, and I asked Ms. Espinoza how the Court would prefer the filing be made. Ms. Espinoza stated that she would inquire and return my call.

- 9. Approximately a week and a half later, Ms. Espinoza called my office and informed me that the Court would prefer that uCool, Inc. file an iPad manually with the Court, with directions explaining how to download the App that uCool wished to file.
- 10. In accordance with those instructions, uCool manually filed an iPad Air 2 with the court as **Exhibit E** to this declaration, and further submits instructions regarding how to download and operate the Heroes Charge App to the court in a letter attached as **Exhibit F** to this declaration.
- 11. Attached as **Exhibit G** is a true and correct copy of the Warcraft III end user license agreement, produced by Blizzard Entertainment, Inc. in this litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: March 15, 2016

Michael F. LaFond